

EXHIBIT A

From: Peters, Temitayo O. <TPeters@bwslaw.com>
Sent: Wednesday, June 7, 2023 12:11 PM
To: Yolanda Huang
Cc: Reitmeyer, Charles J.; Wheeling, Emily Kimmelman; Peter Bertling; Stephanie Aguiniga; Cyndi Sierra; Thomas, Gregory B.; Hall, Jasper L.; Prakash, Mrinalini V.; Lee, Tawnya; Peters, Temitayo O.
Subject: Gonzalez // Status of Scheduling Plaintiffs' Depositions

Ms. Huang,

We are writing, on behalf of all Defendants, to clarify the status of Defendants' ongoing efforts to meet and confer with you to schedule Plaintiffs' depositions prior to the expert discovery deadline, which is set for August 24.

My office previously agreed to move Mr. Eric Rivera's deposition from its currently noticed date of July 21 to June 9. Mr. Rivera's deposition will not move forward on June 9 in light of your emails asking us to reschedule the deposition because your husband is going in for "emergency open heart surgery." You also cancelled Mr. David Misch's deposition, which was set for June 12.

With the two aforementioned cancellations, here is a summary of the depositions that are noticed as of today's date:

1. Timothy Phillips: June 14
2. Lawrence Gerrans: June 16 (we are in the process of issuing an amended notice for this date in light of the parties' prior agreement)
3. Eric Wayne: June 21 (we are happy to renote this deposition after receiving proposed new dates per your 6/5 email indicating that the prison will not allow you to defend him in person as you currently intend to do)
4. Tikisha Upshaw: June 23
5. Donald Corsetti: June 30
6. Eric Mallett: July 11 (my office is happy to renote this deposition after receiving proposed new dates per our prior correspondence with you)
7. Randy Harris: July 13 (my office is happy to renote this deposition after receiving proposed new dates per our prior correspondence with you)
8. Eric Rivera: July 21 (my office is happy to renote this deposition after receiving proposed new dates per our prior correspondence with you)

Defendants still need to schedule several Plaintiff depositions. Per Defendants' prior meet and confer correspondence and May 22 telephone call with you, please provide us with the following Plaintiffs' availability for deposition prior to August 24:

1. Daniel Gonzalez
2. Cedric Henry

3. Michael Lockhart

4. David Misch

Indeed, it appears that you have lost all contact with Daniel Gonzalez, Cedric Henry and Michael Lockhart. In this regard, if you are still unable to contact them, please let us know and we will draft an unopposed Motion to Dismiss them, as we did with Plaintiffs Jackson and Johnston in the *Mohrbacher* case.

Defendants have been attempting to meet and confer with you to schedule Plaintiffs' depositions prior to the August 24 expert disclosure deadline for over a month. As we previously advised you, Defendants' experts need an opportunity to review Plaintiffs' deposition transcripts prior to the expert disclosure deadline so that they can prepare timely reports.

Defendants are expending tremendous time, effort and expense to comply with the expert disclosure deadline, as set, and will oppose any efforts by Plaintiffs to continue the deadline. Please note that Defendants are prepared to move for an order compelling Plaintiffs to appear for deposition prior to August 24 and/or an order dismissing any Plaintiff who does not appear for deposition prior to August 24 if the parties are unable to reach an agreement soon.

Defendants recognize it may pose a challenge for you to timely complete discovery because you are representing so many Plaintiffs and have other discovery deadlines pursuant to the Scheduling Order. It appears Judge Corley recognized this difficulty because she conditioned her ruling on Plaintiffs' Motion for Class Certification on the requirement that you associate competent counsel to assist you with this matter. Defendants have repeatedly inquired regarding the status of this association, but we have not received a satisfactory response from you. In addition, you have still not filed an association of counsel with the Court. When do you expect this association will happen?

Thank you for your kind attention to this matter and we look forward to hearing from you soon.

Temitayo O. Peters | Partner

1999 Harrison Street, Suite 1650 | Oakland, CA 94612-3520

d - 510.903.8833 | t - 510.273.8780 | f - 510.839.9104

tpeters@bwsllaw.com | [vCard](#) | bwsllaw.com



The information contained in this e-mail message is intended only for the CONFIDENTIAL use of the designated addressee named above. The information transmitted is subject to the attorney-client privilege and/or represents confidential attorney work product. Recipients should not file copies of this email with publicly accessible records. If you are not the designated addressee named above or the authorized agent responsible for delivering it to the designated addressee, you received this document through inadvertent error and any further review, dissemination, distribution or copying of this communication by you or anyone else is strictly prohibited. IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONING THE SENDER NAMED ABOVE AT 800.333.4297. Thank you.



1999 Harrison Street - Suite 1650
Oakland, California 94612-3520
voice 510.273.8780 - fax 510.839.9104
www.bwslaw.com

Our File No.: 07588-0016
tpeters@bwslaw.com

May 17, 2023

VIA ELECTRONIC MAIL ONLY

Yolanda Huang, Esq.
Law Offices of Yolanda Huang
528 Grand Avenue
Oakland, CA 94610
yolanda@yhuanglaw.com

Re: ***Daniel Gonzalez, et al. vs. Alameda County Sheriff's Office, et al.***
U.S.D.C. - Northern District of California Case No. 3:19-cv-07423-JSC

Dear Ms. Huang:

Enclosed please find deposition notices for:

1. Plaintiff Lawrence Gerrans, noticed for July 11, 2023;
2. Plaintiff Randy Harris, noticed for July 13, 2023;
3. Plaintiff Donald Corsetti, noticed for July 19, 2023; and
4. Plaintiff Eric Rivera, noticed for July 21, 2023.

The aforementioned dates work for all defense counsel. If any of the noticed dates do not work for the relevant deponent's and/or your schedule, please let us know as soon as possible so that we continue meeting and conferring to select a mutually agreeable date. To date, you have not provided us with any dates of availability, despite our multiple requests, for Plaintiffs Corsetti and Harris. Unfortunately the dates you previously provided for Plaintiffs Rivera (June 14) and Gerrans (June 7, 8 and 9) do not work for all defense counsel.

We met and conferred with defense counsel prior to issuing this letter, and the accompanying deposition notices, to assist with streamlining the process of scheduling depositions moving forward. The calendar attached to this letter as **Exhibit "A"** details all defense counsel's current availability for deposition in this action, as of today's date, for June-August 2023. Please note that defense counsel are actively scheduling



Ms. Yolanda Huang, Esq.
May 17, 2023
Page 2

depositions for other cases for this summer as well. As a result, we would greatly appreciate being provided with multiple alternative dates for any deposition you wish to reschedule in the likely event some of the currently available dates later become unavailable. We are also happy to schedule a Zoom meeting with all counsel so that the parties can hammer out a deposition schedule in real time.

Lastly, we acknowledge your prior email correspondence indicating you do not have any availability for the entirety of July and August and 2023. Expert disclosures, however, are due August 25, 2023 and Defendants' experts need an opportunity to review Plaintiffs' deposition transcripts in advance of the issuance of their forthcoming reports. For these reasons, defense counsel are unwilling to schedule any Plaintiffs' depositions after August 24, 2023. We also note that the Court's recent order (Dkt. No. 264) directed you to retain "qualified co-counsel" to assist you with your continued representation of Plaintiffs in this action. We anticipate that your co-counsel will have availability in July and August 2023.

Sincerely,

BURKE, WILLIAMS & SORENSEN, LLP

A handwritten signature in blue ink, reading "Temitayo Peters". The signature is fluid and cursive, with the first name "Temitayo" and the last name "Peters" clearly distinguishable.

Temitayo O. Peters

TOP:tl

cc: Gregory B. Thomas, Esq.; Jasper L. Hall, Esq.; Peter Bertling, Esq.; Charles J. Reitmeyer, Esq.; Jonathan Belaga, Esq.; Emily Kimmelman, Esq.

EXHIBIT A

June 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2 defense counsel available	3
4	5	6 defense counsel available	7 defense counsel available	8	9 defense counsel available	10
11	12 defense counsel available	13	14	15	16 defense counsel available	17
18	19	20	21 defense counsel available	22	23 defense counsel available	24
25	26	27	28	29	30	

July 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11 defense counsel available <i>Noticed for Plaintiff Lawrence Gerrans' deposition</i>	12 defense counsel available	13 defense counsel available <i>Noticed for Plaintiff Randy Harris' deposition</i>	14 defense counsel available	15
16	17 defense counsel available	18 defense counsel available	19 defense counsel available <i>Noticed for Plaintiff Donald Corsetti's deposition</i>	20	21 defense counsel available <i>Noticed for Plaintiff Eric Rivera's deposition</i>	22
23	24 defense counsel available	25 defense counsel available	26 defense counsel available	27 defense counsel available	28 defense counsel available	29
30	31					

August 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 defense counsel available	2 defense counsel available	3 defense counsel available	4 defense counsel available	5
6	7	8	9	10	11	12
13	14 defense counsel available	15 defense counsel available	16 defense counsel available	17 defense counsel available	18 defense counsel available	19
20	21 defense counsel available	22 defense counsel available	23 defense counsel available	24	25	26
27	28	29	30	31		